IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 5931 of 2005

Between:

E. Parameswara Babu, S/o. Venkatanarayana,
Residing at D.No. 70/9, Brahmin Street,

Rayachoti Town, Kadapa District.

..... PETITIONER

AND

1 The Motor Vehicle Inspector, Kadapa, Kadapa District.
2 The Station House Officer, Kadapa Trapic P.S. Kadapa.
3 The Regional Transport Officer, Kadapa.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Certiorari calling for all the connected records including the impugned vehicle check report bearing No. 0792010 dt. 21-2-2005 in respect of the petitioner bus (HPV) bearing No. AP 04 T 6795 and quash the same as illegal, improper, unjust, arbitrary and contrary to law and further direct the respondent Nos. 1 to 3 to release the petitioner's bus (HPV) bearing No. AP 04T 6795 and pass such other order or orders in the interest of justice.

Counsel for the Petitioner: MR.MAHADEVA KANTHRIGALA

Counsel for the Respondent Nos.1 to 3: GP FOR TRANSPORT

The Court at the admission stage made the following:

ORDER:

The petitioner has filed this writ petition seeking a direction to the respondents to release his Vehicle i.e. Bus (HPV) bearing registration
No. AP 04/T-6795.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Transport.

The learned Counsel for the petitioner has contended that in spite of filing an application for grant of interim custody of the vehicle, the same has not been considered by the 3rd respondent and therefore, he prays to grant interim custody of the vehicle.

On the other hand, the learned Government Pleader for Transport has opposed the same on the ground that the petitioner is liable to pay tax, and therefore, the interim custody of the vehicle cannot be given.

Whether the petitioner is liable to pay any tax or has violated any provisions of the Motor Vehicles Act or not, have to be decided by the competent authority after giving reasonable opportunity to the petitioner. Till then, it is not desirable to keep the vehicle idle exposing to sun and rain causing damage to the vehicle.

In the circumstances, the writ petition is allowed directing the respondents to grant interim custody of the vehicle to the petitioner on the following terms and conditions:

a. *that the petitioner shall produce the vehicle as and when required by the competent authority;*

b. *that the petitioner shall not alienate any part of the vehicle or transfer it to a third party;*

The petitioner is directed to pay the arrears of tax, if any, due as on today and the same shall have to be adjusted, in case the petitioner is found to pay tax by the competent authority in the enquiry. No order as to costs.

Dated: 22.03.2005

Dsr

Note:

Issue CC by tomorrow

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Motor Vehicle Inspector, Kadapa,

Kadapa District

2. The Station House Officer, Kadapa Traffic PS,

Kadapa

3. The Regional Transport Officer, Kadapa

4. Two CCs to the Government Pleader for

Transport, High Court Buildings, Hyderabad (OUT)

5. Two CD copies

6. 1 CC to MR.MAHADEVA KANTHRIGALA

*Form-NIC-OGS/WP{**RLD**}*